IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

MFA.No. 1527 of 2001()

OPMV.823/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
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APPELLANTS:
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1. THAMBI, S/O.SUBRAMANIAN,
CHALANAHOUSE, CHALAKULAM,
P.O. KOTTAPPURAM
(VIA) KODUNGALLUR.

2. LEENA, W/O.THAMBI,
CHALANA HOUSE, CHALAKULAM,
PO.KOTTAPPURAM, KODUNGALLUR.

BY ADV. SRI.P.V.CHANDRA MOHAN
SRI.T.VENUGOPALAN

RESPONDENTS:
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1. MRS.K.U.ISHA VEEVI,
KANNAMCHAKKASSERIL HOUSE, ALAMTHURUTH,
WADAKKEKKARA, N.PARUR.

2. V.G.SHIJA, S/O.GEORGE, VADASSERIL HOUSE,
MADAPLATHURUTH, (VIA) MOOTHAKUNNAM.

3. THE UNITED INDIA INSURANCE CO. LTD.,
MUNICIPAL BUILDING, MAIN ROAD, NORTH PARAVUR.

BY ADV. SMT.P.A.REZIYA

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA,JJ.

M.F.A.NO.1527 OF 20O1

Dated this the 19th day of December, 2007

JUDGMENT

Koshy, J.

Unfortunate father and mother of a 7 year old girl, who died in a motor accident, claimed compensation for Rs.2,00,750/-. The total compensation awarded by the Tribunal was only Rs.64,800, out of which family contribution was fixed as Rs.46,800/-. Only the quantum of compensation is disputed in the appeal. As the Tribunal has found that the accident occurred due to the negligence of the driver of the vehicle, insured by the third respondent Insurance Company, the third respondent Insurance Company was directed to deposit the compensation amount. It is contended that the father was 35 years old and mother was 25. Multiplier fixed for death of a child in second schedule is 15, even though the age of mother and father is taken into account multiplier will be high. We are taking only the lowest multiplier. In 1994 when second schedule amended, Rs.15,000/- was taken as the monthly income. Since the accident happened in 1992, we take Rs.10,000/- as the notional income. It is true that even though future prospects of a person cannot be

predicted, in a death case, statutory formula has to be taken. If that be so, after deducting one-third as the personal expenses, total compensation payable will be Rs.1,00,000/- for loss of family contribution. Loss of a child cannot be estimated in terms of money. The Tribunal has granted only Rs.46,800/-. Therefore, additional compensation payable on this count will be Rs.53,200/-. We are of opinion that compensation granted under other heads are just and reasonable and no enhancement is required on that count. The above additional amount of Rs.53,200/- should be deposited by the third respondent Insurance Company with 7.5% interest from the date of application till the date of deposit over and above the amount decreed by the Tribunal. On deposit, the appellants are allowed to withdraw the same, on executing joint receipt. The appeal is allowed, partly.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

vgs.

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.1527 OF 2001

JUDGMENT

19.12.2007